

# Notice of Allowability

Application No.

09/738,234

Examiner

Clark F. Dexter

Applicant(s)

ROBERTS ET AL.

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed on November 9, 2004.
2. ☒ The allowed claim(s) is/are 26-29,31 and 41-44.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>27</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                   |
|   | 9. <input checked="" type="checkbox"/> Other <u>approved drawing change.</u>                           |

### EXAMINER'S AMENDMENT

1. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on June 22, 2005, Mr. Andrew Reibman requested an extension of time for **2 MONTH(S)** and authorized the Director to charge Deposit Account No. **11-0600** the required fee of **\$450.00** for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. The application has been amended as follows:

#### In the Claims

Claim 26 has been rewritten as follows:

--26. (CURRENTLY AMENDED) In combination, a store checkout counter and a countertop ticket display dispenser structure for dispensing tickets, the combination comprising:

(a) a housing having a front cover, a rear cover, and a ticket dispensing ticket outlet;

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(b) a store checkout counter having a countertop ~~top~~ with a customer side for a customer and a clerk side for a clerk;

(c) said housing further having an upper portion extending between a front of said housing and a rear of said housing, said upper portion including a flat portion for accommodating a typical bank check for said customer to write the bank check on it;

(d) said front cover having a transparent portion through which said tickets can be seen from said customer side, and said ticket dispensing outlet being located on the rear cover; and

(e) said housing being mounted adjacent said counter top with said front cover facing said customer side, said rear cover facing said clerk side, and said flat portion accessible to said customer at said customer side of said counter;

wherein the front and rear covers are each hingedly coupled to a remainder of the housing to open outwardly from the remainder of the housing and toward said customer side and said clerk side, respectively, and wherein at least a substantial part of the upper portion of said housing is displaceable upon opening of at least one of said front cover and said rear cover to permit access to the inside of the housing.--.

Claim 28, line 5, "counter top" has been changed to --countertop--;

line 10, a comma --,-- has been inserted after "customer side".

Claim 44, line 2, "counter top" has been changed to --countertop--.

In the Specification

Paragraph 0001 has been rewritten as follows:

-- This application is a division of U.S. patent application Ser. No. 09/394,660, filed on Sept. 13, 1999 (pending), which is a continuation in part of U.S. patent application Ser. No. 09/238,682, filed Jan. 26, 1999, now U.S. Patent No. 6,726,077, of Ser. No. 09/128,406, filed Aug. 3, 1998, now abandoned, and of Ser. No. 09/060,423, filed Apr. 14, 1998, now abandoned, and U.S. patent application Ser. No. 09/385,336, filed Aug. 30, 1999 (pending).--.

Paragraph 0020, line 1, --view-- has been inserted after "sectional"

Paragraph 0033, line 2, "and" has been changed to --including--.

Paragraph 0040, line 1, the following has been inserted before "As":

--The housing has an upper portion that, in the embodiment shown, is formed by an upper portion of the rear cover 30 and an upper portion of the front cover 34, wherein the upper portion of the front cover 34 includes a top portion 34a.--.

Paragraph 0041, line 1, --36-- has been inserted after "edge", and the second occurrence of "30" has been changed to --34--;

line 2, "34" has been changed to --30--.

Paragraph 0049, line 2, the first occurrence of "to" has been deleted.

In the Drawings

3. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: In Figure 1, a lead line will be added for numeral 29 to indicate the curved portion of the side walls 28 (see paragraph 0030). The approved change is shown in a marked-up drawing included herewith. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

Additional Prior Art

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The newly-cited prior art disclose inventions which have features similar to the claimed invention. However, these inventions, each taken alone or in combination with the prior art of record, do not teach or fairly suggest the claimed invention.

**REASONS FOR ALLOWANCE**

5. The following is an examiner's statement of reasons for allowance:

The prior art of record, either taken alone or in combination, does not fairly teach or suggest the claimed invention. For example, the prior art of record does not teach or suggest a housing having a front cover, a rear cover, a ticket dispensing outlet and an upper portion as claimed; a store checkout counter as claimed; wherein at least a substantial part of the upper portion is displaced upon movement of at least one of the

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front cover and rear cover to permit access to the inside of the housing. It is noted that a reasonable modification of Schafer, pn 5,492,398 as taught by the prior art may be to replace the front surface 20 with a front door similar to the rear door 14 which would result in a stationary upper portion 18. However, there is no suggestion in the prior art of record to modify Schafer by forming the upper portion such that at least a substantial part of the upper portion is displaced upon opening of at least one of the front cover and rear cover to permit access to the inside of the housing.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Wednesdays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571)272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

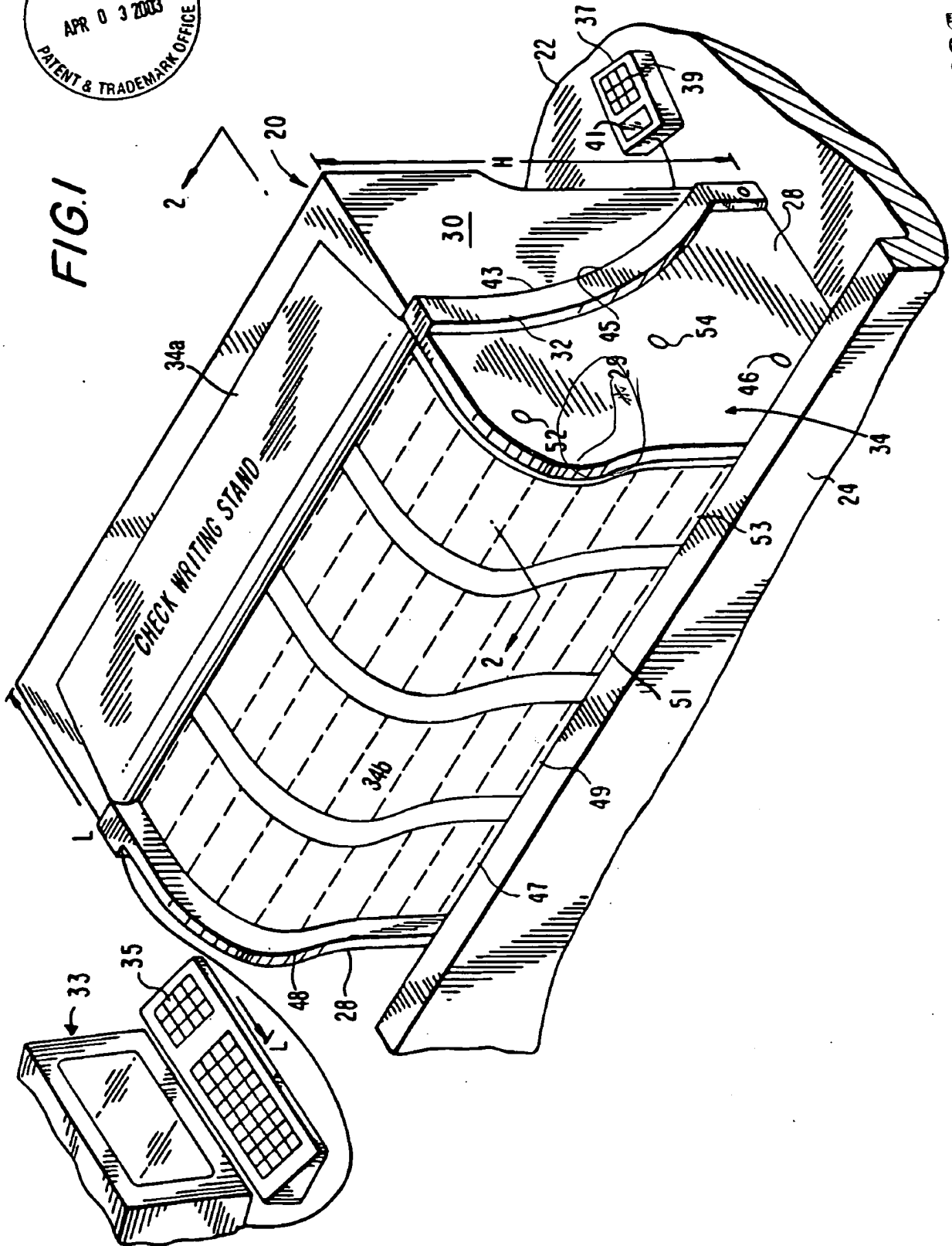
A handwritten signature in black ink, appearing to read 'Clark F. Dexter', is positioned above the printed name.

**Clark F. Dexter**  
**Primary Examiner**  
**Art Unit 3724**

cf  
June 22, 2006



FIG. 1



Cost Available Copy

*Amend*  
 (B)